without limitation. This was done in the interest of those who favored a strong government and a long tenure. Washington imposed a limitation by his example which will not always be binding. An amendment making the term six years and the President ineligible to reëlection has long been desired by a large portion of the public. Indeed, when the Constitutional Convention of the Union shall assemble, as it must do some day, to remodel our Constitution to fit it to face the dangers and conform to the views of the people of this age, with the aid of our experience, in the past, it is more than probable that the powers of the Executive will be more restricted. His powers are now greater than those of any sovereign in Europe. The real restrictions upon Executive power at present are not in Constitutional provisions, but in the Senate and Judiciary, which often negative the popular will, which he represents more accurately than they.

And now we come to the most important of the changes necessary to place the government of the Union in the hands of the people. By far the most serious defect and danger in the Constitution is the appointment of Judges for life, subject to confirmation by the Senate. It is a far more serious matter than it was when the Convention of 1787 framed the Constitution. A proposition was made in the Convention—as we now know from Mr. Madison's Journal—that the Judges should pass upon the constitutionality of acts of Congress. This was defeated 5 June, receiving the vote of only two States. It was renewed no less than three times, *i. e.*, on 6 June, 21 July, and finally again for the fourth time on 15 August; and though it had the powerful support of Mr. Madison and Mr. James Wilson, at no time did it receive the votes of more than three States. On this last occasion (15 August) Mr. Mercer thus summed up the thought of the Convention: "He disapproved of the doctrine, that the Judges, as expositors of the Constitution, should have authority to declare a law void. He thought laws ought to be well and cautiously made, and then to be incontrovertible."

Prior to the Convention, the Courts of four States—New Jersey, Rhode Island, Virginia, and North Carolina—had expressed an opinion that they could hold acts of the Legislature unconstitutional. This was a new doctrine never held before (nor in any other country since) and met with strong disapproval. In Rhode Island the movement to remove the offending judges was stopped only on a suggestion that they could be "dropped" by the Legislature at the annual election, which was done. The decisions of these four State courts were recent and well known to the Convention. Mr. Madison and Mr. Wilson favored the new doctrine of the paramount judiciary, doubtless deeming it a safe check upon legislation, since it was to be operated only by lawyers. They attempted to get it into the Federal Constitution in its least objectionable shape—the judicial veto *before* final passage of an act, which would thus save time and besides would enable the Legislature to avoid the objections raised. But even